

REMARKS

The last Office Action of October 3, 2008 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 9-18 are pending in the application. Claim 9 has been amended by incorporating the subject matter recited in claim 11, which has been canceled. Claim 15 has also been amended to overcome the § 112 rejection. No claims have been added. No amendment to the specification has been made. No fee is due.

OATH/DECLARATION

The objection to the oath/declaration as being defective is respectively traversed. Reference is made to the Notice by the USPTO of January 22, 2008, entitled "Duty of Disclosure Language Set Forth in Oaths or Declarations Filed in Non-provisional Applications" and stating that only oaths or declarations filed on or after June 1, 2008 require the express language requirement pursuant to 37 C.F.R. 1.63(b)(3).

Withdrawal of this objection is respectfully requested.

CLAIM REJECTIONS - 35 U.S.C. § 112

Claim 15 is rejected under 35 U.S.C. §112, second paragraph, for improperly reciting the limitation "an axial section of the arm" and "an associated one of the first tie bars." This rejection has been addressed by the amendments to claim 15 which is supported in FIG. 2 of the original specification.

CLAIM REJECTIONS - 35 U.S.C. § 103

Claims 9-13 and 16-18 stand rejected under 35 U.S.C. §103(a) as being

unpatentable over Schaeffer (US 6,786,922) in view of Lootz et al. (US 2002/0049487).

Claim 9, as amended herein, now includes the subject matter of claim 11 and recites that each of the first tie bars extends from a bottom of two interconnected struts of a ring segment to an opposing bottom of two interconnected struts of an adjacent ring segment. The office action alleges that this feature is disclosed in FIGS. 1-4. The office action, however, does not specify if these figures are those in Schaeffer or in Lootz.

Schaeffer shows in Figs. 1-4 the connector segment 14 as being connected between a bottom of two interconnected struts of a ring segment and an opposing top of two interconnected struts of an adjacent ring segment, which is different from the claimed structure.

Likewise, Lootz shows in Figs. 1-4 the connector segment 4 as being connected between a bottom of two interconnected struts of a ring segment and an opposing intermediate location of a strut of an adjacent ring segment, which is also different from the claimed structure.

Schaeffer and Lootz, taken alone or in combination, therefore fail to disclose or suggest the feature previously claimed in canceled claim 11 and now incorporated in amended claim 9. Claims 9 is therefore patentable over Schaeffer and Lootz.

Claims 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schaeffer (US 6,786,922) in view of Lootz et al. (US 2002/0049487), and further in view of Bales et al. (US 6,878,162).

Bales shows a top of two interconnected struts of a ring segment connected to an opposing top of two interconnected struts of an adjacent ring segment, which therefore also does not disclose or suggest the claimed invention.

For the reasons set forth above, it is applicant's contention that neither Schaeffer nor Lootz nor Bales, nor any combination thereof teaches or suggests the features of the present invention, as recited in claim 9.

As for the rejection of the retained dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Withdrawal of the rejection of claims 9-10, 12-18 under 35 U.S.C. §103(a) and allowance thereof are thus respectfully requested.

CONCLUSION

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent For Applicant
Reg. No: 31,084

Date: January 5, 2009
708 Third Avenue
Suite 1501
New York, N.Y. 10017
(212)244-5500
HMF/WS:af